

USDA  
Natural Resources Conservation Service  
Wisconsin

**CULTURAL RESOURCES COMPLIANCE  
INFORMATION**



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# Cultural Resources Review Request Procedure

These materials outline and explain the procedure for requesting an initial cultural resources review. An initial cultural resources review is required prior to conducting any ground disturbing activity which has the potential to affect significant historic or prehistoric properties. The following materials are enclosed.

- **CULTURAL RESOURCES - NRCS RESPONSIBILITIES** .....PAGE 1  
*This section provides an overview on what cultural resources are and NRCS responsibilities as related to national and state preservation laws.*
- **CULTURAL RESOURCES PROCEDURE FOR SERVICE CENTERS** ..... PAGE 3  
*This guide outlines the steps to be followed by service centers in determining whether a review is required and the information needed when requesting an initial cultural resources review.*
- **CULTURAL RESOURCES INITIAL REVIEW REQUEST FORM**.....PAGE 9  
*This form is to be used when requesting reviews. It contains the information required for the Cultural Resources Coordinator (CRC) to conduct an initial review for cultural resources. The form also contains instructions for preparing the topographic map required to be submitted with the completed worksheet.*
- **CLASSIFICATION OF CONSERVATION PRACTICE EFFECTS ON CULTURAL RESOURCES**.....PAGE 10  
*This is a list of NRCS conservation practices classified by their potential to affect cultural resources.*
- **NATIONAL HISTORIC PRESERVATION ACT (NHPA)**.....PAGE 17  
*Excerpts from the NHPA, including sections regarding the purpose of the Act and Federal policy on cultural resources. Also included is Section 106 with an overview of the basic process for compliance by Federal agencies.*
- **NRCS POLICY ON CULTURAL RESOURCES**.....PAGE 20  
*Title 420, Part 401.20, of the General Manual regarding NRCS policy on cultural resources.*

## Cultural Resources – NRCS Responsibilities

Cultural resources are the traces of any past activities and accomplishments of people. They include tangible traces such as historic districts, sites, buildings, structures, historical documents and cemeteries. They also include traces of less tangible objects such as dance forms, aspects of folk-life, cultural or religious practices, and some landscapes and vistas.

When a cultural resource is properly documented, its significance will be evaluated using the criteria contained in 36 CFR 60.4. This will determine its eligibility for the National Register of Historic Places (NRHP). If a cultural resource is evaluated as being eligible for the National Register and the State Historic Preservation Officer (SHPO) concurs with the evaluation, it becomes an historic property.

Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization that meet the National Register criteria. Anything 50 years old or older may be eligible for inclusion in the National Register.

Federal and state historic preservation laws are:

- Antiquities Act of 1906
- Historic Sites Act of 1935
- National Historic Preservation Act of 1966
- Archaeological and Historic Preservation Act of 1974
- Archeological Resources Protection Act of 1979
- Native American Graves Protection and Repatriation Act of 1990
- Wisconsin State Burial Sites Law – §157.70
- Wisconsin State Historical Law - §44.42

The Advisory Council on Historic Preservation (ACHP) advises the President and Congress on historical preservation matters based on established laws. The SHPO is responsible for a statewide historic preservation plan. Nationwide federal policy contained in 36 CFR 800 are the implementation regulations for Section 106 of the National Historic Preservation Act (NHPA). Section 106 requires federal agencies to take into account the effects of their undertakings on historic properties and give the Advisory Council or its agent, the SHPO, a reasonable opportunity to comment on the undertaking. The purpose of the Section 106 review process is to accommodate historic preservation concerns with the needs of the Federal undertakings through consultation among the agency representative and other parties (such as Tribes) with

an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning.

NRCS policy recognizes that cultural resources are an integral part of our national heritage and recognizes its responsibility for historic preservation, particularly as they are listed in the National Historic Preservation Act. NRCS will ensure that cultural resources are considered in **all** NRCS actions and programs.

Agencies are required to consult with Tribal officials when Tribal lands or historic properties of significance to such Tribes are involved. Some Tribes have officially designated Tribal Historic Preservation Officers (THPOs), while others designate representatives to consult with agencies as needed.

To successfully complete the Section 106 review process, Federal agencies must determine if Section 106 of NHPA applies to a given project, and if so, initiate the review. This includes:

- Gathering information to determine if historic properties exist in the project area that are listed on, or eligible for, the National Register of Historic Places.
- Determining how historic properties might be affected.
- Exploring alternatives to avoid or reduce harm to historic properties.
- Reaching agreement with the SHPO/THPO on measures to deal with any adverse effects, or, in some cases, obtain advisory comments from the ACHP.

In addition to the above, NRCS policy and procedure includes:

- Identifying and protecting historic properties **early** in the planning and environmental evaluation process for all assistance activities classified as an undertaking that have potential to cause effects on historic properties.
- Protect historic properties in their original location to the fullest extent practicable by avoiding adverse impacts.
- Identifying early in the planning process other parties (such as Tribes) with an interest in the undertaking and to consulting with them.

# Cultural Resources Procedure for Service Centers

The following procedures shall be followed by service centers when considering cultural resources.

1. Determine land ownership. NRCS may not be responsible for cultural resources reviews on Federal or State owned land. Contact the NRCS Cultural Resources Coordinator (CRC) if you are not sure which agency has the responsibility for cultural resources compliance.
2. Determine the funding source. Depending on the funding source, cultural resources compliance may not always be the responsibility of NRCS. NRCS is responsible for cultural resources reviews when providing the funding or Conservation Technical Assistance (CTA) for the project. If the funding source is from another agency (i.e., DNR or DATCP) and there is **no NRCS technical assistance provided**, then the funding agency may be responsible for cultural resources compliance.

NRCS is responsible for completing the cultural resources reviews for projects funded through CRP, CREP, EQIP, WHIP, WRP, etc. *Note: For CRP/CREP projects, if the initial review results in a recommendation for archaeological field work, FSA, as the lead agency for CRP/CREP, is responsible for coordinating this field work.*

NRCS is responsible for cultural resources compliance when providing assistance for a Tribal project. Even if the Tribe has a Tribal Historic Preservation Office (THPO), the cultural resources review must be coordinated through the NRCS CRC. Do not send cultural resources reviews directly to the THPO.

If a Technical Service Provider is providing the work for an NRCS funded project, the cultural resources compliance remains with NRCS. Requests for cultural resources reviews should be submitted as soon as the ground disturbing activity is determined.

3. Determine whether the proposed project is an undertaking (review required) or exempt from review (refer to the current Classification of Conservation Practice Effects on Cultural Resources).
  - a. If the proposed practice is listed as "Exempt," document this on the NRCS-CPA-52, and make a notation in the WI-CPA-6 Conservation Assistance Notes. No further consideration of cultural resources is required. The project may be installed.
  - b. If the proposed practice is not exempt from review, submit the Cultural Resources Initial Review Request Worksheet to the NRCS CRC. Be sure to use the most recent version of the form (located in Section II, Cultural Resources, of the e-FOTG and link below). All information on the form must be completed accurately for an efficient review. A copy of the appropriate USGS topographic

quadrangle map with the area of potential effect clearly indicated must be submitted with the form. Other maps (such as aerial photographs, soils maps, enlarged topographic maps showing more detail, or construction plans) are useful in expediting the review and may be submitted in addition to the topographic map. Note that these other maps cannot be substituted for a topographic map.

Use the following guidelines when preparing a topographic map for submittal:

Create a USGS topographic map with a scale of approximately 1:24,000 using arcmap.

- 1) Open the provided Cultural\_resources\_map\_template10.mxd and use it as a template for the cultural resources map:

F:\data\geodata\cultural\_resources

- 2) The first time the mxd template is opened you will need to click on the **!** in the table of contents to give it the correct path to your local data. Once this is done save the mxd to lock these paths in.
- 3) Edit the annotation on the map to reflect the correct information:
  - landowner name, tract, farm number
  - county
  - township (N), range (E or W), section number
  - civil township
  - quarter section
  - information related to you service center
- 4) Position the section where the practice is to be installed in the center of the page. Make sure the adjacent sections can be seen. Make sure to reset the data frame scale to 1:24,000 if it has changed.
- 5) Edit text and location of call out box.
- 6) Specify the area(s) of potential effect on the map in detail using arcmap graphics tools. This includes potential borrow areas, travel lanes for heavy equipment, obstruction removal, etc.
- 7) Export the map to a pdf and save to cultural resources folder using the following naming convention: county\_lastname\_CRmap.pdf (place the map under your county folder only, not in any of the subfolders. Do not create additional subfolders)

4. The initial review is conducted by the Cultural Resources Coordinator (CRC) according to State Historic Preservation Office (SHPO) guidelines set forth in the Programmatic Agreement between NRCS and the Wisconsin SHPO. The CRC will notify the District Conservationist (DC) by letter regarding the results of the initial review.

- a. If no known archaeological sites are identified and further field work is not recommended, the cultural resources compliance process is complete. Construction may proceed as planned, unless a site is discovered during construction. If a site is discovered during construction, immediately stop work and call the CRC to determine the next action.
- b. If known archaeological sites are identified near or in the area of potential effect, a field investigation (archaeological survey) will be recommended by the CRC. A field investigation may also be recommended by the CRC based on additional conditions set forth in the Programmatic Agreement between NRCS and SHPO. The DC/Project Coordinator will contact the landowner to determine whether the project will be constructed.
  - 1) If the project will not be constructed, the DC notifies the CRC to have the project removed from the list of recommended archaeological surveys.
  - 2) If the project will be constructed, the DC notifies the CRC to arrange for a qualified archaeologist to survey the site. After completion of the survey, the CRC receives the archaeological report from the archaeologist for review.

*(Note: For **CRP/CREP** projects, the county FSA office notifies the appropriate FSA State Office contact to coordinate archaeological work. This will be indicated in the letter from the NRCS CRC regarding the recommendation for a field investigation.)*

- a) If cultural resources are not found, a recommendation to proceed as planned with the project is made by the CRC to the SHPO. The CRC submits the report to SHPO for concurrence with the recommendation to proceed with the project as planned.
- b) If cultural resources are found within the area of potential effect, the DC and CRC determine whether the site can be avoided based on recommendations from the archaeologist. If the site can be avoided, a new design is submitted to the CRC, and the plan to avoid disturbing the site is included in the archaeological report. The CRC submits the report to SHPO for concurrence or non-concurrence with the recommendations for avoidance.
- c) SHPO reviews the archaeological report and recommendation and replies to the CRC with their concurrence or non-concurrence. The CRC will notify the District Conservationist by letter regarding the recommendations. If SHPO concurs with the recommendation, the cultural resources compliance process is complete. Construction may proceed as planned (or as revised, depending on the recommendation). If a site is discovered during construction, immediately stop work and contact the Cultural Resources Coordinator to determine the next action.

## **Cultural Resources Review Process Timeline**

Materials for an initial cultural resources review should be submitted to the CRC as far in advance of the anticipated construction date as possible. Every effort will be made by the CRC for a timely review. Following, is the typical timeline to expect. Note that this is only an estimate. The timeline will vary according to each individual project. Some projects will require minimal time for completion of the review process, while other projects may encounter unanticipated circumstances extending the time needed to complete the review.

Initial Cultural Resources Reviews will be done by the CRC within 30 days of receipt. If an archaeological survey is recommended, allow two to four weeks for completion of the survey and the report (scheduling of the survey will depend on weather conditions/ground visibility; i.e., surveys cannot be completed when the ground is frozen/snow covered). The CRC will review and submit the report to SHPO within a week of receipt from the archaeologist. SHPO has 30 days to review the report and respond with their concurrence or non-concurrence. The CRC will notify the DC by letter of the recommendation within a week after receipt from SHPO. Taking this into consideration, completion of an initial review, archaeological survey, SHPO concurrence, and construction all in one season may not be possible.

Since the review process has the potential to be lengthy, **please plan accordingly.**

## **Discovery of an Unanticipated Cultural Resource after Construction Begins**

In the event unanticipated cultural resources are discovered after construction begins, the following procedures shall be followed.

- Request that the landowner stop all actions in the area affecting the resource to allow the significance of the resource to be determined.
- In the event that the action affecting the resource is not halted, consider immediately suspending assistance, and inform the landowner that continuing to affect the resource may result in withdrawal of NRCS assistance and funding.
- Immediately document the resource, implement measures to protect the resource from further disturbance.
- Contact the CRC for assistance.

**NOTE: If human bones are discovered during any phase of construction, immediately stop all work and notify the Cultural Resources Coordinator (608-662-4422, extension 221). If the CRC cannot be reached, notify the Burial Sites Preservation Office at the Wisconsin State Historical Society (800-342-7834 or 608-264-6502).**

**If Burial Sites Preservation Office staff is unavailable, leave a message then contact the local police/sheriff's department. Describe what you saw, and ask that the area be secured until the discovery can be evaluated by the Burial Sites Preservation Office staff.**

**Do not attempt to collect the remains. Do not disturb or investigate the discovery further. Human burial sites may not be disturbed without authorization from the Director of the Wisconsin Historical Society (Wisconsin Burial Sites Preservation Law §157.70).**

**Cultural Resources Initial Review Request Form:**

[http://efotg.sc.egov.usda.gov/references/public/WI/CR\\_Form.xlsm](http://efotg.sc.egov.usda.gov/references/public/WI/CR_Form.xlsm)

# Classification of Conservation Practice Effects on Cultural Resources

Activities and Conservation Practices in Wisconsin are classified according to their potential to affect cultural resources. An undertaking is any practice not considered exempt from review.

- Some conservation practices have a high potential to affect cultural resources. Such practices are considered undertakings and cultural resources consideration is required. These practices are listed as “Review Required.”

Soil Survey activities that involve no ground disturbance or are limited to small-scale field investigations such as small shovel holes, auger holes, probe holes, and/or core holes do not require a review. However, larger-scale field investigations such as soil investigation pits may have the potential to affect historic properties and do need a cultural resources review.

- Some conservation practices may affect cultural resources and are considered an undertaking unless they are installed under specific conditions:
  - ♦ The installation of the practice will occur in a previously disturbed area and will not exceed the plow zone depth or extent.
  - ♦ The installation of the practice will occur in a previously undisturbed area and will result in no ground disturbance.

If these situations apply, no further cultural resources consideration is needed. These practices are listed with the specific criteria to determine whether it is an undertaking or exempt.

- Some conservation practices are primarily management related and will not have any physical effects or alter a cultural resource. Some of these practices provide beneficial effects by affecting soil or cover stability. Such practices do not require cultural resources consideration and are exempt from review. These practices are listed as “Exempt.”
- For practices determined to be exempt, documentation shall be included in the case file on the NRCS-CPA-52, and make a notation in the WI-CPA-6 Conservation Assistance Notes.

The following pages contain the classifications for each Wisconsin NRCS conservation practice. This list is periodically updated as FOTG practice standards are revised/added. Updates will be released with a Wisconsin FOTG Notice. Check the e-FOTG website, Section II, Cultural Resources, for the most current classification list.

## Classification of Conservation Practice Effects on Cultural Resources

Practice Name	Code	Classification
Access Control	472	Exempt
Access Road	560	Review Required
Agrichemical Handling Facility	309	Review Required
Agricultural Energy Management Plan - Headquarters	122	Exempt
Agricultural Energy Management Plan - Landscape	124	Exempt
Alley Cropping	311	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Amendments for Treatment of Agricultural Waste	591	Exempt
Anaerobic Digester, Controlled Temperature	366	Review Required
Animal Mortality Facility	316	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Animal Trails and Walkways	575	Review Required
Anionic Polyacrylamide (PAM) Application	430	Exempt
Aquaculture Ponds	397	Review Required
Aquatic Organism Passage	396	Review Required
Brush Management	314	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Building Envelope Improvement	672	Exempt
Channel Bed Stabilization	584	Review Required
Clearing and Snagging	326	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Composting Facility	317	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Comprehensive Nutrient Management Plan	102	Exempt
Conservation Cover	327	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)

<b>Practice Name</b>	<b>Code</b>	<b>Classification</b>
Conservation Crop Rotation	328	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Constructed Wetland	656	Review Required
Contour Buffer Strips	332	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Contour Farming	330	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Cover Crop	340	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Critical Area Planting	342	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Diversions	362	Review Required
Drainage Water Management	554	Exempt
Drainage Water Management CAP	130	Exempt
Early Successional Habitat Development/Management	647	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Farmstead Energy Improvement	374	Exempt
Feed Management	592	Exempt
Fence	382	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Field Border	386	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Filter Strip	393	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Firebreak	394	Exempt (mowing) Review Required (plowing)
Fish Raceway or Tank	398	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Fishpond Management	399	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)

<b>Practice Name</b>	<b>Code</b>	<b>Classification</b>
Forage and Biomass Planting	512	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Forage Harvest Management	511	Exempt
Forest Management Plan	106	Exempt
Forest Site Preparation	490	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Forest Slash Treatment	384	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Forest Stand Improvement	666	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Forest Trails and Landings	655	Review Required
Grade Stabilization Structure	410	Review Required
Grassed Waterway	412	Review Required
Heavy Use Area Protection	561	Review Required
Hedgerow Planting	422	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Herbaceous Weed Control	315	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Integrated Pest Management	595	Exempt
Integrated Pest Management CAP	114	Exempt
Irrigation Pipeline	430	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Irrigation Reservoir	436	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Irrigation System, Microirrigation	441	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Irrigation System, Sprinkler	442	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Irrigation System, Tailwater Recovery	447	Review Required

<b>Practice Name</b>	<b>Code</b>	<b>Classification</b>
Irrigation Water Management	449	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Irrigation Water Management	118	Exempt
Karst Sinkhole Treatment	527	Review Required
Lined Waterway or Outlet	468	Review Required
Livestock Pipeline	516	Exempt (previously disturbed/plowed area/) Review Required (previously undisturbed/below plow zone area)
Livestock Shelter Structure	576	Review Required
Mine Shaft and Adit Closing	457	Review Required
Monitoring and Evaluation	799	Review Required
Mulching	484	Exempt
Nutrient Management	590	Exempt
Nutrient Management - CAP	104	Exempt
Obstruction Removal	500	Review Required
Open Channel	582	Review Required
Organic Agriculture Transition Plan	138	Exempt
Pond	378	Review Required
Pond Sealing or Lining - Flexible Membrane	521A	Exempt
Pond Sealing or Lining - Bentonite Sealant	521C	Exempt
Pond Sealing or Lining - Compacted Clay Treatment	521D	Exempt
Prescribed Burning	338	Exempt (with mowing) Review Required (with plowing)
Prescribed Grazing (Managed Grazing – Wisconsin)	528	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Pumping Plant	533	Review Required
Residue and Tillage Management – Mulch Till	345	Exempt
Residue and Tillage Management – No Till/Strip Till/Direct Seed	329	Exempt
Residue and Tillage Management – Ridge Till	346	Exempt
Residue Management – Seasonal	344	Exempt

<b>Practice Name</b>	<b>Code</b>	<b>Classification</b>
Restoration of Rare and Declining Habitats	643	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Riparian Forest Buffer	391	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Roof Runoff Structure	558	Exempt
Roofs and Covers	367	Exempt
Seasonal High Tunnel Systems for Crops	798 (Interim)	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Sediment Basin	350	Review Required
Shallow Water Management for Wildlife	646	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Shoreland Habitat	643A (Interim)	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Solid/Liquid Waste Separation Facility	632	Review Required
Spoil Spreading	572	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Spring Development	574	Review Required
Stormwater Runoff Control	570	Review Required
Stream Crossing	578	Review Required
Stream Habitat Improvement and Management	395	Review Required
Streambank and Shoreline Protection	580	Review Required
Stripcropping	585	Exempt
Structure for Water Control	587	Review Required
Subsurface Drain	606	Review Required
Surface Drain, Field Ditch	607	Review Required
Surface Drain, Main or Lateral	608	Review Required
Terrace	600	Review Required
Trails and Walkways	568	Review Required
Tree/Shrub Establishment	612	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)

<b>Practice Name</b>	<b>Code</b>	<b>Classification</b>
Tree/Shrub Pruning	660	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Tree/Shrub Site Preparation	490	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Underground Outlet	620	Review Required
Upland Wildlife Habitat Management	645	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Vegetated Treatment Area	635	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Waste Facility Closure	360	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Waste Storage Facility	313	Review Required (includes soil test pits)
Waste Transfer	634	Review Required
Waste Treatment	629	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Water and Sediment Control Basin	638	Review Required
Water Well	642	Review Required
Water Well Decommissioning	351	Review Required
Watering Facility	614	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Well Water Testing	355	Exempt
Wetland Creation	658	Review Required
Wetland Enhancement	659	Review Required
Wetland Restoration	657	Review Required
Wetland Wildlife Habitat Management	644	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)
Windbreak/Shelterbelt Establishment	380	Exempt (previously disturbed/plowed area) Review Required (previously undisturbed/below plow zone area)
Windbreak/Shelterbelt Renovation	650	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)

Practice Name	Code	Classification
Woody Residue Treatment	384	Exempt (no ground disturbing activities) Review Required (with ground disturbing activities)

## National Historic Preservation Act

### Section 1 - Purpose of the Act (16 U.S.C. 470)

(b) The Congress finds and declares that -

- (1) The spirit and direction of the Nation are founded upon and reflected in its historic heritage;
- (2) The historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;
- (3) Historic properties significant to the Nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency;
- (4) The preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;
- (5) In the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation;
- (6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of Federal and federally assisted projects and will assist economic growth and development; and
- (7) although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

# National Historic Preservation Act

**Section 106** - *Advisory Council on Historic Preservation, comment on Federal undertakings*  
(16 U.S.C. 470f)

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.

## **Basic Section 106 Process**

1. Determine whether the action constitutes an undertaking and determine the area of potential effects.
2. Identify and evaluate historic properties.
3. Assess effects.
4. The agency makes its assessment based on criteria found in the Council's regulations:
  - a. No effect: the undertaking will not affect historic properties.
  - b. No adverse effect: the undertaking will affect one or more historic properties, but the effect will not be harmful.
  - c. Adverse effect: the undertaking will harm one or more historic properties.
5. Consult with the State Historic Preservation Office (SHPO), Tribal Historic Preservation Offices (THPOs), and the Advisory Council on Historic Preservation (ACHP), as necessary.

# National Historic Preservation Act

## Section 2 - Federal Policy on Cultural Resources (16 U.S.C. 470-1)

It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to —

- (1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;
- (2) Provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations and in the administration of the national preservation program in partnership with States, Indian tribes, Native Hawaiians, and local governments;
- (3) Administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;
- (4) Contribute to the preservation of nonfederally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means;
- (5) Encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and
- (6) Assist State and local governments, Indian tribes and Native Hawaiian organizations and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

# NRCS Policy on Cultural Resources

## General Manual, Title 420

### Part 401.20 -General Policy

The Natural Resources Conservation Service (NRCS) provides assistance to protect, maintain, and improve, soil, water, air, plant, and animal resources. Social, cultural, and economic considerations are a part of this assistance. NRCS recognizes that cultural resources are an integral part of our national heritage and recognizes its responsibilities for historic preservation, particularly as they are listed in the National Historic Preservation Act. NRCS will ensure that cultural resources are considered in all NRCS actions and programs. Furthermore, the conservation ethic of NRCS is in harmony with the requirements of Sections 110 and 112 of NHPA. Those sections mandate and authorize each Federal agency to develop a preservation program and become an active partner (beyond Section 106 compliance) in the stewardship of our Nation's cultural resources. Under the provisions of those sections, NRCS will promote the conservation and protection of cultural resources.

- a. NRCS will identify and protect cultural resources early in the planning and environmental evaluation processes of all assistance activities classified as an undertaking.
- b. NRCS will protect cultural resources in their original location to the fullest extent practicable by avoiding adverse impacts. If avoidance is not feasible, NRCS will determine significance in consultation with the SHPO. If the effect of an undertaking is determined in consultation with the SHPO to be adverse on historic properties, NRCS, in further consultation with SHPO, participants, Native Americans, the ACHP, and other interested parties, as appropriate, will develop appropriate mitigation measures before completing the assistance or beginning the construction phase of implementation.
- c. NRCS will consider cultural resources that may be significant for reasons in addition to or apart from authorities such as section 106 of the NHPA. When such resources (e.g. traditional cultural properties (TCP), traditional cultural values, landscape, or features having religious importance) may be impacted, NRCS will consult with concerned parties to determine what practices or treatments, if any, are acceptable to the concerned parties and will document the outcome of such consultation according to the statutes and authorities under which they are considered.
- d. If conflicts over acceptable treatment or mitigation cannot be resolved to the satisfaction of all concerned parties, NRCS will determine if continued assistance is warranted after completing appropriate Section 106 compliance requirements of this part.
- e. NRCS will inform participants about the importance of the cultural environment and provide information on opportunities to enhance the understanding of the Nation's heritage.